



S&H Form: (10/03)

**REPLY/AMENDMENT
FEE TRANSMITTAL**

Attorney Docket No.	1293.1281
Application Number	09/994,785
Filing Date	November 28, 2001
First Named Inventor	Byoung-ho CHOI, et al.
Group Art Unit	2652

AMOUNT ENCLOSED

0.00

Examiner Name

Peter Vincent Agustin

FEE CALCULATION (fees effective 10/01/03)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	42	- 42 =	0	X \$ 18.00 =	\$ 0.00
INDEPENDENT CLAIMS	13	- 13 =	0	X \$ 86.00 =	0.00

Since an Official Action set an original due date of ., petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$420); 3 months (\$950); 4 months (\$1,480); 5 months (\$2,010)):

If Notice of Appeal is enclosed, add (\$330.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$110.00)

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

Total of above Calculations =

\$ 0.00

Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)

TOTAL FEES DUE =

\$ 0.00

(1) If entry (1) is less than entry (2), entry (3) is "0".

(2) If entry (2) is less than 20, change entry (2) to "20".

(4) If entry (4) is less than entry (5), entry (6) is "0".

(5) If entry (5) is less than 3, change entry (5) to "3".

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MAY 27 2004

METHOD OF PAYMENT

Technology Center 2600

- ☐ Check enclosed as payment.
- ☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- ☒ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:
- | | |
|----------------------|--------------------|
| Deposit Account No. | 19-3935 |
| Deposit Account Name | STAAS & HALSEY LLP |
- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name Michael D. Stein

Reg. No.

37,240

Signature

Date

5/24/04

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S&H Form: (2/01)

Docket No.: 1293.1281

#7
1293.1281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byoung-ho CHOI, et al.

Serial No. 09/994,785

Group Art Unit: 2652

Confirmation No. 8358

Filed: November 28, 2001

Examiner: Peter Vincent Agustin

For: OPTICAL RECORDING MEDIUM ON WHICH A WOBBLE SIGNAL HAVING HEADER INFORMATION IS RECORDED, AN APPARATUS AND METHOD OF RECORDING WOBBLE SIGNAL, AND AN APPARATUS AND METHOD OF REPRODUCING THE WOBBLE SIGNAL

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed April 23, 2004, having a shortened period for response set to expire on May 23, 2004, the following remarks are provided. As May 23, 2004, fell on a Sunday, this response, filed Monday, May 24, 2004, is timely filed.

I. Provisional Election of Claims Pursuant to 37 CFR 1.142

Applicants provisionally elect **Group a, claims 5-8, 11-14, 33, and 36-42**, in addition to the Examiner identified generic claims 1-4, in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group b is concerned, it is believed that claims 9, 10, 15, 16, and 34 are so closely related to elected claims 5-8, 11-14, 33, and 36-42 that they should remain in the same

application. The elected claims 5-8, 11-14, 33, and 36-42 are directed to an apparatus recording a wobble signal, a method of recording a wobble signal and an apparatus recording a wobble signal having header information and reproducing the header information. The apparatus of claim 5 comprises, "a wobble signal generator generating a single-frequency wobble signal having header information which is edge-modulated based on first and second carrier signals having a same frequency and different edge waveforms." The apparatus of claim 9 recites a wobble signal similar to that of claim 5 as well as the additional feature of a second header information that is phase modulated. Similarly, claim 11 of group a and claim 15 of group b differ in that the method of claim 15 additionally recites a second header information which is phase modulated. The Applicants submit that the additional features of the group b claims are not sufficient to evoke a restriction requirement and that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group b claims by filing a divisional application. Furthermore, there have been no references cited to show any necessity for requiring restriction.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)-§806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Insofar as Group d is concerned, it is believed that claims 17-19, 25-27, 35, and 36-42 are so closely related to elected claims 5-8, 11-14, 33, and 36-42 that they should remain in the same application. The Applicants initially note that they have included claims 36-42 in both group a and d. The Applicants believe this is appropriate because claims 36-42 recite matter depicted in Figures 4-8 and 14-16, and are therefore generic to both groups a and d as defined by the Examiner. The elected claim 11 is drawn to a method comprising, "generating first and second carrier signals having a same frequency and different edge waveforms; generating a single-frequency wobble signal having header information which is edge-modulated using the generated first and second carrier signals; and recording the generated single-frequency wobble signal on the optical recording medium." While claim 17 of group d is drawn to a method of reproducing header information from a wobble signal stored on an optical recording medium comprising, reading a single-frequency wobble signal having header information which